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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,736	12/28/2004	Giovanni Vertoni	163-592	9273
7590	11/29/2005			
James V Costigan Hedman & Costigan 1185 Avenue of the Americas New York, NY 10036-2601			EXAMINER JULES, FRANTZ F	
			ART UNIT 3617	PAPER NUMBER

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/519,736	Applicant(s) VERTONI, GIOVANNI	
	Examiner Frantz F. Jules	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/22/05</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

Brief Description of the Drawings subtitle as well as Summary of Invention subtitle are missing from the specification.

On page 13, line 7, the phrase "claim 1" should be deleted. Any reference to a particular claim No. should be removed from the specification in accordance with the current office practice.

Appropriate correction is required.

Drawings

2. The drawings are objected to because:

Figures 1 and 1A should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

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prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 1-11 are objected to because of the following informalities:

In claim 1, line 3, the word "the" should be deleted in front of lower supporting rollers to improve the clarity of the claim language.

In claim 1, line 4, the word "the" should be deleted in front of idler back pull wheels to improve the clarity of the claim language.

In claim 1, line 5, the word "the" should be deleted in front of crawler wheel to improve the clarity of the claim language.

In claim 1, line 6, the word "the" should be deleted in front of controlled axial sliding.

In claim 6, line 3, the word "then" should be replaced by –than–.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 8, the phrase "a structure" is confusing as it is unclear how it related to previously recited a structure above.

Claim 1 recites the limitation "the guides" in line 9. There is insufficient antecedent basis for this limitation in the claim as this structure has not been previously described.

Claim 3 recites the limitation "the wheel base of the front and back wheels" in line 10.

There is insufficient antecedent basis for this limitation in the claim as this structure has not been previously defined.

Claim 1 recites the limitation "the movable structure" in line 11. There is insufficient antecedent basis for this limitation in the claim as this structure has not been previously defined.

Claim 1 recites the limitation "the first of said movable supporting roller (22)" in lines 15-16. There is insufficient antecedent basis for this limitation in the claim.

In claim 1, lines 15-17, the phrase said at least the first of said movable supporting roller (22) is integral with the idler wheel (3)" is confusing as it is unclear how can roller 22 be integral with roller 3.

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Claim 1 recites the limitation "the reciprocal distance" in line 17. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the fixed supporting rollers" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shelby et al (US 3,938,851) in view of Purcell et al (US 3,774,708).

Shelby et al discloses a track-tightening device for crawlers comprising an undercarriage or bogie consisting of a structure which includes elements (18) for carrying lower supporting rollers, as well as idler back-pull wheels and possibly also the crawler wheel, said structure (20) housing a guide system for the controlled axial sliding of the track-tightening device carried by a bearing fittings (30) with the guides and supporting the idler wheel to modify the front and back wheels of the bogie, characterized in that the the movable supporting roller

Shelby teaches all the limitations of claims 1-11 except for a track tightening device comprising an integral movable supporting structure for supporting both idler wheel and supporting rollers. The general concept of providing an integral movable supporting structure for supporting both idler wheel and supporting rollers in a track tightening

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device is well known in the art as illustrated by Purcell et al which discloses the teaching of an integral movable supporting structure for supporting both idler wheel and supporting rollers in a track tightening device. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Shelby to include the use of an integral movable supporting structure for supporting both idler wheel and supporting rollers in his advantageous track tightening device as taught by Purcell et al in order to provide good resiliency and recoiling ability under high speed and heavy duty conditions thereby reducing vibration or noise in the track assembly.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Kinsinger, Ashley and Adams et al are cited to show a related track tightening device comprising hydraulic absorbers.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 272-6681. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz F. Jules
Primary Examiner
Art Unit 3617

FFJ

November 23, 2005

FRANTZ F. JULES
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Frantz F. Jules', written over a horizontal line.